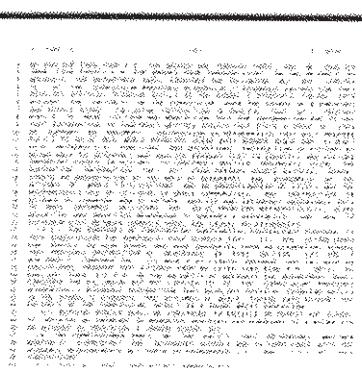


EXHIBIT 17

Thursday, April 5, 2018

Haredim in New York Celebrate Legal Victory regarding their K-12 Curriculum

Jacob Gluck 26 Comments



On the eve of Pesah, when haredi minds are normally preoccupied with exterminating hometz, baking matzoh, and preparing for the seder in commemoration of the Exodus, this year they celebrated a different kind of delivery: that from the oppression of their foes who have endeavored for years to pressure government authorities to more strictly enforce the New York state education law requirement that instruction in private schools be substantially equivalent to instruction given in district public schools.

The law, first codified in 1824, is vague in its definition of what constitutes “substantial equivalence”. It is also unclear as to whom this law was meant to protect: larger society from ill-bred private-school pupils, or parents of such pupils from unscrupulous private schools. The *prima facie* interpretation thereof, nevertheless, is that local school districts entrusted by state law with the administration of public education, must ensure that the subjects of instruction in private schools, i.e. the “substance” of their curricula, are equivalent to that of public schools. And since public elementary schools are by law required to teach math, English, geography, civics, history, physical training and science, so are private schools.

But Haredi schools provide only barebones instruction in English and math, and none at all in P.T. and science. This apparent violation of state law has become more conspicuous and problematic as the haredi community grew and the voice of its dissidents and dropouts grew accordingly. Ex-haredi individuals and organizations (such as Yaffed) have argued for years now that Haredi schools are causing great harm to individuals and larger society by raising thousands of pupils on an informational diet that is completely devoid of the skills and knowledge necessary to function socially and economically on an even rudimentary level in mainstream society.

On the cusp of Haredi opponents’ advocacy bearing fruit in the form of new regulations that were to be issued by the state on how local government should enforce the education law with respect to private schools, the new education law that was passed on erev pesah preempts and supplants any such regulation. Not only does the law appear to exempt private schools from teaching the subjects that they don’t currently teach, but it explicitly removes enforcement of the law from the purview of New York City (as well as other school districts). N.Y.C. can now legally absolve itself from fielding any complaints relating to the inadequacy of parochial school curricula –something it has been itching to do for years so as not to alienate its large haredi

constituency.

The new law was enacted as a rider to the state budget resolution. It was introduced to the legislature by Simcha Felder, the state senator from the 17th district which comprises the overwhelmingly haredi Brooklyn neighborhoods of Borough Park and parts of Midwood. By wedging the education law amendment to the budget law, the currently most powerful state Senator forced other legislators to reject the amendment on pain of rejecting the budget, the latter of which would prompt a detested government shutdown. The tactic succeeded: with strong support from Hasidic leaders in his constituency, he withstood immense pressure from Governor Cuomo and other Democrats to drop his demand for the educational amendment to be included in the budget law.

Felder's disproportionate power in the senate stems from the fact that he is the only lawmaker there who is nominally Democratic but "caucuses" with the Republicans thus giving the Republicans in the senate a 32-person majority. Republicans are therefore willing to go to great lengths to satisfy his wishes so as to retain his allegiance and their ability to pass partisan laws.

The law was months in the making. Representatives from the major hasidic sects in Felder's district had turned to him for help to relieve the pressure stemming from Yaffed's advocacy for education reform and the city's slow but steady enforcement action. Shia Estreicher represented the Belzer Hasidic schools and Aaron Veltz represented the Satmar-Aaronite Borough Park school system. R. Veltz had introduced Felder to the grand rebbe, R. Aaron Teitelbaum, who albeit being headquartered in upstate New York (outside of Felder's district), wields political influence with Felder by being able to direct his Borough Park followers on how to vote.

Late last week, when Democrats threatened not to pass the budget law unless Felder's education amendment was removed from the bill, governor Cuomo turned to R. Aaron Teitelbaum directly to attempt to mediate the conflict. In an allegedly 40-minute phone call between Cuomo and R. Aaron on Thursday, the day of bedikas hometz, Cuomo urged Teitelbaum to call off Felder. R. Aaron's Kiryas Joel has a generally amicable relationship with the governor's office –the village delivering a reliable bloc of voters Cuomo's way on election day in return for funneling of government aid toward the village (K.J.'s yeshiva "college" is one of only two haredi parochial schools that receive millions in government Pell grants). But on this issue of youth education R. Aaron was determined to go all in, as the haredi leadership believes that a rigorous secular education is not only unnecessary but an insidious and pernicious attempt to introduce the teaching of heresy, such as evolution, to the classroom.

Notwithstanding the haredi celebration of this phenomenal legal feat that has left Yaffed and its supporters stunned, it is far from clear how beneficial this law *actually* is, as opposed how it is *perceived* to be. Felder's initial demand was for the new law to completely exempt private schools from government interference and oversight. When that was deemed to be too extreme and untenable, the current version was substituted instead, which appears to be written *for* him, with the intent of placating Felder and answering to his demands, but not *by* himself or his staff. The law could be read as favorable to Felder's constituency, but it could be interpreted as fairly neutral, or even as mandating an even stronger and more specific secular curriculum for Jewish schools.

Here's a breakdown of how the law could be viewed as favorable and unfavorable:

Aspect of the New Law	How it's Haredi-favorable	How it's Haredi-unfavorable
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teaching the subjects of physical training and hygiene	Public schools are required to teach seven subjects at the elementary level (until 8th grade): arithmetic, English literacy, geography, history, civics, physical training (including "hygiene"), and science. The new law directs the department of education to consider all of the above subjects in determining substantial equivalence at haredi schools <i>except</i> for physical training; it does not mention physical training.	haredi schools are now officially exempt from having a P.T. program, but they are also now explicitly told to teach atleast a modicum of material from the other subjects. Substantial equivalency clearly cannot be satisfied by simply sitting long hours in school and developing critical thinking through the analysis of rashi and tofos.
teaching the subjects of geography, history and civics	On the subjects of geography, history and civics, the new law emphasizes "the actions of world civilizations" and "responsibilities of citizens in world communities", as opposed to the centuries-old New York state education law that emphasizes U.S. History, New York state history, and American civics. The denationalization of the social sciences in the new law is apparently meant to make the current Haredi curriculum –which teaches elements of Jewish history, Jewish civics, and Jewish geography– compliant with the law without the need to add any secular studies in this respect.	

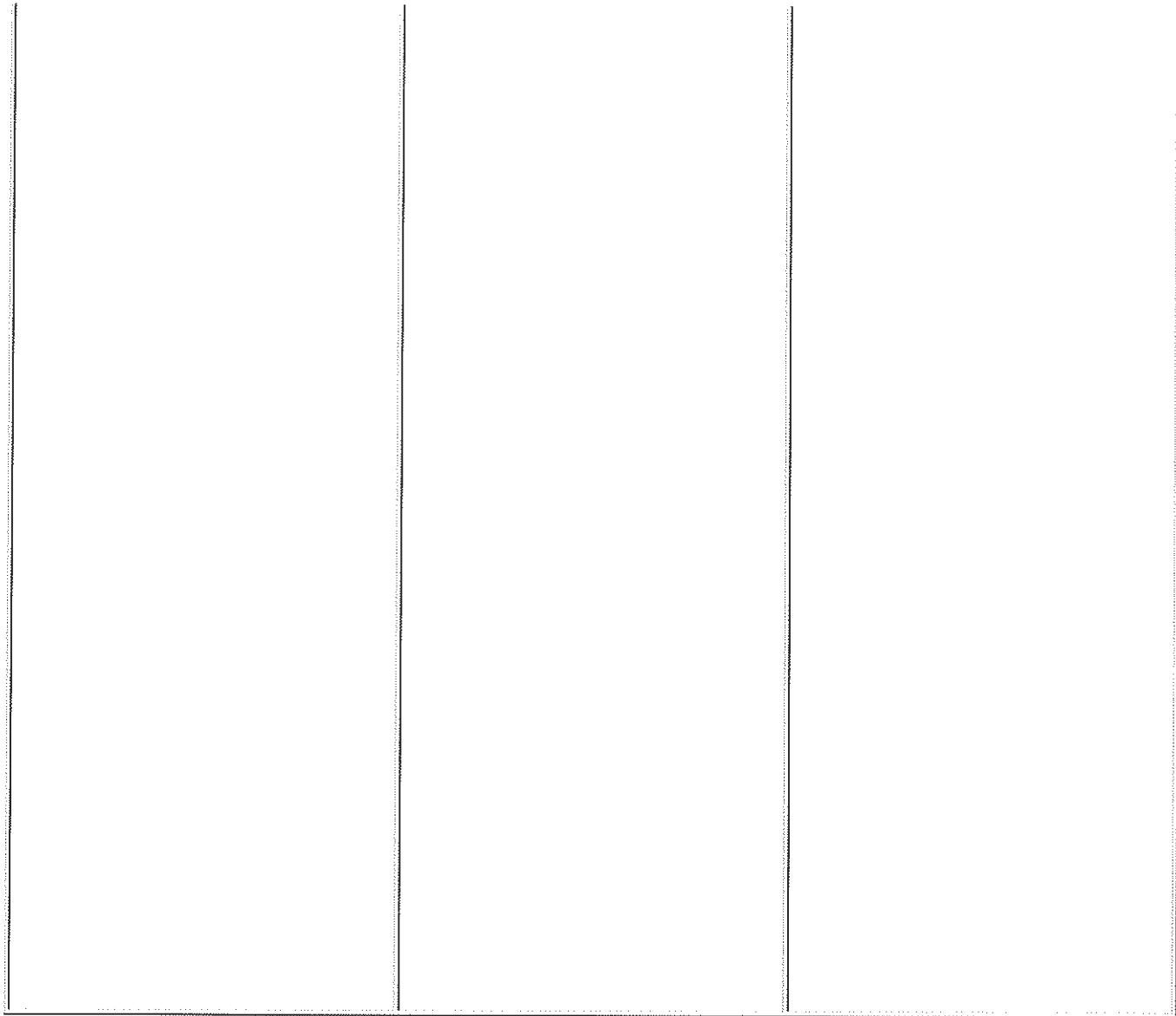
teaching science	<p>On the subject of science, the new law emphasizes the scientific <i>method</i> at the expense of scientific <i>content</i>. It mentions the gathering, analysis and interpretation of observable data; the use of inductive and deductive reasoning; the differentiation between causal and correlational relationships. But it makes no demands to teach students any of the classical discoveries of the natural sciences, e.g. Newton's laws of motion, different states of physical matter, classification of organisms, etc. Once again, it appears that this is meant to be read so that the currently dominating subjects at</p>	<p>The “observable data” phrase cannot be clearly satisfied going by the current haredi curriculum. There may be plenty of analysis and interpretation in Judaic studies, but it is all based on ancient statutes, case law, events, and doctrines. Haredi pupils are not taught how to personally observe natural phenomena and interpret them.</p>

		<p>school –that of humosh, rashi, and Talmud– would meet this requirement.</p>
State Enforcement	<p>The new law makes it abundantly clear that it is the state, by virtue of its DOE commissioner, who determines whether nonpublic schools are “in compliance with the academic requirements set forth” in the new law. This is good for haredi schools, as the Yaffed advocates have less pull with state officials than with local officials. In the sympathy department they score even worse: New York City is the only fertile district in the state for the big government argument that it should intervene</p>	<p>Even though New York City can now rightly and emphatically recuse itself from overseeing and enforcing education standards in private schools, the task is now unambiguously in the hands of the state (unlike the situation hitherto in which both levels of government had attempted to absolve themselves). The standards for haredi schools are also quite specific now. Yaffed can now bring complaints to the state, and –while it may have less sympathy for its cause from the more conservative</p>

		<p>in the affairs of private schools.</p> <p>statewide constituency— it will have solid legal ground to lodge a complaint with the DOE should the haredi schools not comply with the new standards.</p>
Enforcement Discretion	<p>The new law appears to direct the state's DOE to overlook the absence of certain subjects and topics from the haredi curriculum, and define the centuries-old standard of "substantial equivalence" in a more innovative way. It is written in such a way that a non-hostile enforcement official would find that the status-quo curriculum and time spent teaching secular studies in haredi schools meets the substantial equivalence requirement.</p>	<p>The law permits the commissioner to take additional, unspecified, criteria into account in determining substantial equivalency; the commission is "unlimited to" the new standards. In theory, then, the state could say to haredi schools "yes, you do indeed meet all the curricular standards explicitly enumerated in the law, but since you are not teaching xyz (which all public schools in your district teach), I deem you to be substantially non equivalent and therefore in violation of the law".</p> <p>A haredi-hostile commissioner, though highly unlikely given the political milieu, is nonetheless possible.</p>

Applicability of the new law	<p>The new standards apply only to schools that are “nonprofit corporations”, have a bi-lingual program and have an 8.5 hour school day. This excludes, in addition to public schools, all private schools that follow the 7.5 hour (or less) school day.</p> <p>The rationale behind such schools’ exemption from traditional standards appears to be that since their pupils are already burdened by a bilingual education, as evidenced by the longer hours, they are exempt from the more expansive curricula applicable to monolingual and shorter-day</p>	<p>Other legal experts are already arguing that the law is written so tightly and patently in favor of haredi schools that it constitutes a constitutional breach. Such experts have not elaborated on this, such as which constitution they refer to (state or federal) and which clause or provision in the constitution they are invoking.</p>

		<p>schools.</p>	
High school standards	<p>The old law omits conspicuously omits science in the “course of study” prescribed for grades above the eighth. But most other elementary schools subjects on instruction are mentioned.</p> <p>The new yeshiva law strikes all subjects from the prescribed course of study. All it requires for haredi high schools is to teach a curriculum that provides “academically rigorous instruction that develops critical thinking skills in the school’s students, the outcomes of which, taking into account the entirety of the curriculum, result in a sound basic education.” The new law, in other words, sanctions the status-quo absence of all secular studies in hasidic high schools.</p>	<p>The “basic education” clause could prove problematic. Although the haredi schools need not teach any subject specifically, they need to ensure that their pupils get a “basic education” which many reasonable people would define as the ability to read, write, and perform arithmetic. Depending on how well students perform with respect to the “basic education” that they had acquired in elementary school, haredi schools may be forced to offer remedial or additional studies at the high schools level to bring at least some of their pupils up to speed on a basic education.</p>	



Read the full revised educational law here (“Part sss” pp. 194-195)

58 of the city or district where the minor resides.
51 (II) FOR PURPOSES OF CONSIDERING SUBSTANTIAL EQUIVALENCE PURSUANT TO
52 THIS SUBDIVISION FOR NONPUBLIC ELEMENTARY AND MIDDLE SCHOOLS THAT ARE:
53 (1) NON-PROFIT CORPORATIONS, (2) HAVE A BI-LINGUAL PROGRAM, AND (3) HAVE
54 AN EDUCATIONAL PROGRAM THAT EXTENDS FROM NO LATER THAN NINE A.M. UNTIL

S. 7589--C

194

A. 9509--C

1 NO EARLIER THAN FOUR P.M. FOR GRADES ONE THROUGH THREE, AND NO EARLIER
2 THAN FIVE THIRTY P.M. FOR GRADES FOUR THROUGH EIGHT, ON THE MAJORITY OF
3 WEEKDAYS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING, BUT NOT LIMITED
4 TO: IF THE CURRICULUM PROVIDES ACADEMICALLY RIGOROUS INSTRUCTION THAT
5 DEVELOPS CRITICAL THINKING SKILLS IN THE SCHOOL'S STUDENTS, TAKING INTO
6 ACCOUNT THE ENTIRETY OF THE CURRICULUM, OVER THE COURSE OF ELEMENTARY
7 AND MIDDLE SCHOOL, INCLUDING INSTRUCTION IN ENGLISH THAT WILL PREPARE
8 PUPILS TO READ FICTION AND NONFICTION TEXT FOR INFORMATION AND TO USE
9 THAT INFORMATION TO CONSTRUCT WRITTEN ESSAYS THAT STATE A POINT OF VIEW
10 OR SUPPORT AN ARGUMENT; INSTRUCTION IN MATHEMATICS THAT WILL PREPARE
11 PUPILS TO SOLVE REAL WORLD PROBLEMS USING BOTH NUMBER SENSE AND FLUENCY
12 WITH MATHEMATICAL FUNCTIONS AND OPERATIONS; INSTRUCTION IN HISTORY BY
13 BEING ABLE TO INTERPRET AND ANALYZE PRIMARY TEXT TO IDENTIFY AND EXPLORE
14 IMPORTANT EVENTS IN HISTORY, TO CONSTRUCT WRITTEN ARGUMENTS USING THE
15 SUPPORTING INFORMATION THEY GET FROM PRIMARY SOURCE MATERIAL, DEMON-
16 STRATE AN UNDERSTANDING OF THE ROLE OF GEOGRAPHY AND ECONOMICS IN THE
17 ACTIONS OF WORLD CIVILIZATIONS, AND AN UNDERSTANDING OF CIVICS AND THE
18 RESPONSIBILITIES OF CITIZENS IN WORLD COMMUNITIES; AND INSTRUCTION IN
19 SCIENCE BY LEARNING HOW TO GATHER, ANALYZE AND INTERPRET OBSERVABLE DATA
20 TO MAKE INFORMED DECISIONS AND SOLVE PROBLEMS MATHEMATICALLY, USING
21 DEDUCTIVE AND INDUCTIVE REASONING TO SUPPORT A HYPOTHESIS, AND HOW TO
22 DIFFERENTIATE BETWEEN CORRELATIONAL AND CAUSAL RELATIONSHIPS.

23 (III) FOR PURPOSES OF CONSIDERING SUBSTANTIAL EQUIVALENCE PURSUANT TO
24 THIS SUBDIVISION FOR NONPUBLIC HIGH SCHOOLS THAT: (1) ARE ESTABLISHED
25 FOR PUPILS IN HIGH SCHOOL WHO HAVE GRADUATED FROM AN ELEMENTARY SCHOOL
26 THAT PROVIDES INSTRUCTION AS DESCRIBED IN THIS SECTION, (2) ARE A
27 NON-PROFIT CORPORATION, (3) HAVE A BI-LINGUAL PROGRAM, AND (4) HAVE AN
28 EDUCATIONAL PROGRAM THAT EXTENDS FROM NO LATER THAN NINE A.M. UNTIL NO
29 EARLIER THAN SIX P.M. ON THE MAJORITY OF WEEKDAYS THE DEPARTMENT SHALL
30 CONSIDER THE FOLLOWING BUT NOT LIMITED TO: IF THE CURRICULUM PROVIDES
31 ACADEMICALLY RIGOROUS INSTRUCTION THAT DEVELOPS CRITICAL THINKING SKILLS
32 IN THE SCHOOL'S STUDENTS, THE OUTCOMES OF WHICH, TAKING INTO ACCOUNT THE
33 ENTIRETY OF THE CURRICULUM, RESULT IN A SOUND BASIC EDUCATION.

34 (IV) NOTHING HEREIN SHALL BE CONSTRUED TO ENTITLE OR PERMIT ANY SCHOOL
35 TO RECEIVE AN INCREASE IN MANDATED SERVICES AND PURSUANT TO 8 NYCRR 176
36 ON ACCOUNT OF PROVIDING A LONGER SCHOOL DAY.

37 (V) THE COMMISSIONER SHALL BE THE ENTITY THAT DETERMINES WHETHER
38 NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS ARE IN COMPLIANCE WITH THE
39 ACADEMIC REQUIREMENTS SET FORTH IN PARAGRAPHS (II) AND (III) OF THIS
40 SUBDIVISION.

41 S 2. This act shall take effect immediately.

The new Education Law in New York State, meant to exempt haredi schools from the public school curriculum.

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